

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

STATE OF TEXAS, et al.,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States

*Defendant,*

and

FRIENDS OF THE EARTH, et al.,

*Applicant-Intervenor-Defendants.*

Case No. 9:25-cv-00010-MJT

**DECLARATION OF BRETTNY HARDY IN SUPPORT OF MOTION TO INTERVENE**

I, Brettney Hardy, declare that if called as a witness in this action, I would competently testify of my own personal knowledge as follows:

1. I am an attorney admitted to practice law in the state of California. I am a senior attorney with Earthjustice and one of the counsels of record for Applicant-Intervenor-Defendants Friends of the Earth, Healthy Gulf, Oceana, and Turtle Island Restoration Network in this action.

2. I submit this declaration in support of Applicants' Motion to Intervene. The facts stated herein are based upon my personal knowledge and information provided to me in the course of my representation of Applicants.

3. Attached hereto as **Exhibit 1** are true and correct copies of excerpts of Presidential Documents from George H.W. Bush, Clinton, George W. Bush, and Obama memorializing withdrawals of offshore lands from oil and gas leasing: 26 Weekly Comp. Pres.

Doc. 1006 (June 26, 1990), downloaded from

[https://www.presidency.ucsb.edu/documents/statement-outer-continental-shelf-oil-and-gas-](https://www.presidency.ucsb.edu/documents/statement-outer-continental-shelf-oil-and-gas-development)

[development](https://www.presidency.ucsb.edu/documents/statement-outer-continental-shelf-oil-and-gas-development); 34 Weekly Comp. Pres. Doc. 1111 (June 12, 1998); 44 Weekly Comp. Pres. Doc.

986 (July 14, 2008); 2014 Daily Comp. Pres. Doc. 934 (Dec. 16, 2014); 2016 Daily Comp. Pres.

Doc. 836 (Dec. 9, 2016), each downloaded from

<https://www.govinfo.gov/app/collection/cpd/2016/12>.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a fact sheet released by the White House on Jan. 6, 2025, entitled, “FACT SHEET: President Biden Protects Atlantic and Pacific Coasts from Offshore Oil and Gas Drilling.” The fact sheet was downloaded from <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2025/01/06/fact-sheet-president-biden-protects-atlantic-and-pacific-coasts-from-offshore-oil-and-gas-drilling/>.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Department of the Interior’s January 6, 2025 Press Release entitled, “President Biden Takes Action to Protect America’s Coastlines from Future Oil and Gas Leasing,” downloaded from <https://www.doi.gov/pressreleases/president-biden-takes-action-protect-americas-coastlines-future-oil-and-gas-leasing>.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the “2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program” that the Bureau of Ocean Energy Management” (“BOEM”) issued in September 2023, downloaded from [https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029\\_NationalOCSPProgram\\_PFP\\_Sept\\_2023\\_Compliant.pdf](https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029_NationalOCSPProgram_PFP_Sept_2023_Compliant.pdf).

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the “2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Programmatic

Environmental Impact Statement” that BOEM issued in September 2023. This Statement was downloaded from [https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSEOilGasLeasing\\_FinalPEISVol1\\_0.pdf](https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSEOilGasLeasing_FinalPEISVol1_0.pdf).

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the January 29, 2018 Department of Defense report entitled “Preserving Military Readiness in the Eastern Gulf of Mexico,” downloaded from <https://iadc.org/wp-content/uploads/2018/05/DOD-Offshore-Report.pdf>.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the January 31, 2023 Washington Post article authored by Maxine Joselow entitled, “Why Florida Republicans don’t want drilling off their own coast,” downloaded from <https://www.washingtonpost.com/politics/2023/01/31/why-florida-republicans-dont-want-drilling-off-their-own-coast/>.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the January 15, 2019 U.S. News and World Report article authored by Noreen Marcus entitled, “Offshore Oil Drilling in Florida Still Possible Despite Ban,” downloaded from <https://www.usnews.com/news/best-states/articles/2019-01-15/offshore-oil-drilling-in-florida-still-possible-despite-constitutional-ban>.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the Congressional Research Service Report entitled, “Gulf of Mexico Energy Security Act (GOMESA): Background and Current Issues,” last updated on December 21, 2022. This report was downloaded from <https://crsreports.congress.gov/product/pdf/R/R46195>.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Presidential Memorandum issued by the Trump Administration, entitled, “Withdrawal of Certain Areas of the

United States Outer Continental Shelf From Leasing Disposition” dated September 8, 2020, and downloaded from <https://www.govinfo.gov/content/pkg/DCPD-202000659/pdf/DCPD-202000659.pdf>.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the Map of National Marine Sanctuaries of the West Coast, downloaded from [https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/about/images/wc\\_map\\_lg.jpg](https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/about/images/wc_map_lg.jpg).

14. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from a fact sheet released by the Department of the Interior on December 20, 2016, entitled, “Fact Sheet: Unique Atlantic Canyons Protected from Oil and Gas Activity,” downloaded from [https://www.doi.gov/sites/doi.gov/files/uploads/atlantic\\_canyons\\_fact\\_sheet\\_for\\_release.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/atlantic_canyons_fact_sheet_for_release.pdf).

15. Attached hereto as **Exhibit 12** is a true and correct copy of a fact sheet released by the Department of the Navy on November 10, 2015, entitled, “Atlantic Fleet Training and Testing EIS/Overseas EIS for Activities Beginning in 2018,” downloaded from [https://media.defense.gov/2019/Mar/26/2002105583/-1/-1/1/\\_AFTT\\_EIS\\_OEIS\\_-\\_TRAINING\\_AND\\_TESTING\\_FACT\\_SHEET\\_-\\_FINAL\\_-\\_2015-11-10.PDF](https://media.defense.gov/2019/Mar/26/2002105583/-1/-1/1/_AFTT_EIS_OEIS_-_TRAINING_AND_TESTING_FACT_SHEET_-_FINAL_-_2015-11-10.PDF).

16. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from a study by Scott A. Hemmerling et al., entitled *Tracing the Flow of Oil and Gas: A Spatial and Temporal Analysis of Environmental Justice in Coastal Louisiana from 1980 to 2010*, 14 Env’t Justice (2021).

17. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the “Appendices to the Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico” issued by the National Marine Fisheries Service in March

2020, downloaded from [https://repository.library.noaa.gov/view/noaa/23738/noaa\\_23738\\_DS2.pdf](https://repository.library.noaa.gov/view/noaa/23738/noaa_23738_DS2.pdf)

18. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the February 2016 Deepwater Horizon Natural Resource Damage Assessment Trustees report entitled “Deepwater Horizon oil spill: Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement, Chapter 4.9 Marine Mammals,” downloaded from <https://la-dwh.com/wp-content/uploads/2017/12/4.9-Marine-Mammals.pdf>. .

19. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from a study by Mark D’Andrea & G. Kesava Reddy, entitled *The Development of Long-Term Adverse Health Effects in Oil Spill Cleanup Workers of the Deepwater Horizon Offshore Drilling Rig Disaster*, 6 *Frontiers Pub. Health* 1 (2018).

20. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from a study by A. McCrea-Strub et al., entitled *Potential Impact of the Deepwater Horizon Oil Spill on Commercial Fisheries in the Gulf of Mexico*, 36 *Fisheries* 332 (2011).

21. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from NOAA’s Office of Response and Restoration article entitled, “45 Years after the Santa Barbara Oil Spill, Looking at a Historic Disaster Through Technology, dated January 28, 2014. This Article was downloaded from <https://response.restoration.noaa.gov/about/media/45-years-after-santa-barbara-oil-spill-looking-historic-disaster-through-technology.html>.

22. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the January 28, 2019 NPR article authored by Jon Hamilton entitled, “How California’s Worst Oil Spill Turned Beaches Black and the Nation Green,” downloaded from

<https://www.npr.org/2019/01/28/688219307/how-californias-worst-oil-spill-turned-beaches-black-and-the-nation-green>.

23. Attached hereto as **Exhibit 20** is a true and correct copy of the NOAA Office of Response and Restoration's webpage entitled, "How a Disaster Changed the Face of Ocean Conservation," downloaded from <https://response.restoration.noaa.gov/about/media/how-disaster-changed-face-ocean-conservation.html>.

24. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the Executive Order issued January 20, 2015, entitled, "Initial Rescissions of Harmful Executive Orders and Actions," downloaded from <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/>.

25. Attached hereto as **Exhibit 22** is a true and correct copy of the February 3, 2025 Secretarial Order No. 3420 "Announcing President Trump's Revocation of Former Outer Continental Shelf Withdrawals, downloaded from [https://www.doi.gov/sites/default/files/document\\_secretarys\\_orders/so-3420-signed.pdf](https://www.doi.gov/sites/default/files/document_secretarys_orders/so-3420-signed.pdf).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of April, 2025, at San Francisco, California.

  
Brettny Hardy